

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CRM-M No.19116 of 2020
Date of decision:05.08.2020**

Sohan Lal @ Sonu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajesh Duhan, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.340, dated 28.03.2019 registered under Sections 354 and 506 of IPC (Section 376 IPC added later on) at Police Station Karnal Sadar, District Karnal.

As per the version of the prosecution, a complaint was received from the prosecutrix that the petitioner was a tenant in the premises where she was residing and he tried to outrage her modesty in her husband's absence. Later, she came to know that the petitioner was a criminal and a case under Sections 302/376 IPC was pending against him. A few days prior to the complaint, the petitioner coerced her to meet him and the victim alleges that he forced himself on her. The

statement of the victim was recorded under Section 164 Cr.P.C. and she underwent medical examination. Thereafter, present FIR was registered against the petitioner, who was arrested on 29.05.2019.

The first application for grant of regular bail filed by the petitioner was dismissed by the Sessions Court on 20.07.2019 and the second application was rejected vide order dated 17.09.2019, Annexure P-5.

Counsel for the petitioner has argued that the matter has been compromised. He has referred to the settlement/compromise dated 09.07.2019, affidavit dated 09.07.2019 and statement of the victim (appended as Annexures P-2 to P-4) to submit that the prosecutrix-victim had deposed that she had lodged the complaint due to some misunderstanding and as a result of being misguided by someone. On merits, counsel has submitted that the alleged occurrence is of 24.03.2019 and the FIR was registered four days later which gave sufficient time to the victim to concoct a story and frame the petitioner. According to the petitioner, the petitioner can have no possible infatuation towards the prosecutrix as the petitioner is aged 24 years whereas the victim is 40 years old.

Opposing the petition, State counsel upon instructions from ASI Meena, submits that the allegations against the petitioner are of a very serious nature and the petitioner is involved in another case under Section 376 IPC. As per his instructions, the petitioner has been pressurizing the complainant and her family to enter into a compromise. According to State counsel, the challan was filed on 16.09.2019 and the charges are yet to be framed. 14 prosecution witnesses have been named

in the challan.

I have considered the rival submissions of the parties.

A perusal of the statement of the prosecutrix-victim recorded under Section 164 Cr.P.C., Annexure P-1, shows that the victim had very specifically stated that one, Sarita Madam had pressurized and even threatened her to compromise the matter. Even while dismissing the first application for grant of bail filed by the petitioner, learned Additional Sessions Judge had observed that the accused is trying to influence the prosecutrix.

In view of the above background, the possibility of the compromise, affidavit and statement relied upon by counsel for the petitioner having been procured by force or coercion, cannot be ruled out. No reliance can be placed on the said documents.

Even the antecedents of the petitioner do not warrant grant of bail to him. He is involved in yet another FIR registered under Sections 302 and 376 IPC in which he has been declared proclaimed offender. It is clear that the petitioner is a person of dubious character and this Court cannot exercise discretion in favour of such a person. There is no merit in the instant petition. The same is accordingly dismissed.

It is clarified that the observations made hereinabove shall not be construed to be an expression on the merits of the case.

05.08.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No